

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: R. Banholzer, *et al.* Examiner: Janet L. Coppins

Serial No.: 10/691,711 Group Art Unit: 1626

Filed: October 23, 2003 Docket: 1/1148-2-C2

Customer No.: 28501 Confirmation No.: 2056

For: CRYSTALLINE TIOTROPIUM BROMIDE MONOHYDRATE, PROCESSES
FOR THE PREPARATION THEREOF, AND PHARMACEUTICAL
COMPOSITIONS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO RESTRICTION REQUIREMENT

Sir:

This Reply is in response to the October 27, 2006 Office Action issued in the above-identified application. In that Office Action, a one-month shortened statutory period was set for response. Applicants hereby petition for the necessary two-month extension of time under 37 C.F.R. § 1.136 to respond to that action and note that the fee required under 37 C.F.R. § 1.17(a)(1) in connection with this Reply will be paid during electronic filing via the Revenue Accounting and Management System. If it is determined that any additional fees under 37 C.F.R. §§ 1.16 or 1.17 are due in connection with this Reply, the Director is hereby authorized to charge such fees to Deposit Account No. 02-2955.

In the Office Action, the Examiner imposed a five-way restriction in the present application under 35 U.S.C. §121.

In response to the restriction requirement, applicants elect the subject matter of Group I for substantive examination on the merits. Applicants also point out that claims 2-4, 9-15 and 17-21 are in a product and a process for making or using the product relationship. Accordingly, applicants respectfully submit that the USPTO's Rejoinder

Practice under MPEP 821.04 is applicable. Applicants will designate these claims as withdrawn during prosecution, and amend them accordingly, in order to maintain the right to rejoinder upon allowance of product claims. Applicants make the above-identified election expressly without waiver of their right to file for and obtain claims directed to the non-elected subject matter in divisional or continuing applications claiming priority and benefit herefrom, or from a related application, under 35 U.S.C. § 120.

Applicants also respectfully submit that all the pending claims are allowable and therefore solicit a Notice of Allowance for all of the pending claims. If the Examiner feels that a telephone interview would be helpful in advancing prosecution of this application, the Examiner is invited to contact the attorney below.

Respectfully submitted,

/wendy petka/

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